

**STATEMENT  
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BEFORE THE  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
OCTOBER 29, 2009**

**CONCERNING**

**S. 1122, TO AUTHORIZE THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF  
INTERIOR TO ENTER INTO COOPERATIVE AGREEMENTS WITH STATE FORESTERS  
AUTHORIZING STATE FORESTERS TO PROVIDE CERTAIN FOREST, RANGELAND, AND  
WATERSHED RESTORATION AND PROTECTION SERVICES**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on S. 1122.

S.1122 would authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements or contracts with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services in states west of the 100<sup>th</sup> meridian. Activities that could be undertaken using this authority include: (1) activities to treat insect infected trees; (2) activities to reduce hazardous fuels; and (3) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat. The bill authorizes the states to act as agents for the Secretary and provides that states may subcontract for activities accomplished using this authority. The bill ensures federal retention of responsibilities for compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321et seq.). The authority would expire on September 30, 2018.

We support Good Neighbor Authority (GNA) and believe our Nation's forests face forest health challenges that must be addressed across diverse land ownerships. In these times of limited resources, it is important to leverage workforce and technical capacities and develop partnerships for forest restoration across all lands, while ensuring compliance with existing applicable laws and regulations. We believe further study and analysis is needed to better understand the interplay of needs, state and federal contracting and labor law and regulation before expansion of the authority is authorized. We look forward to working with the committee, States, and federal agencies to develop a better understanding of the issues and make suggestions to improve the bill in a manner that meets the needs of key stakeholders.

**How we use the current Good Neighbor Authority:**

The Forest Service has gained valuable experience using GNA in Colorado and Utah pilot programs over the past several years. We have completed 53 projects in Colorado and Utah at a cost to the federal government of about \$1.4 million. Colorado Good Neighbor projects have

focused on fuel reduction activities, such as tree thinning, mostly in the Colorado wildland-urban interface and have resulted in about 2,700 acres of treatment. In Utah, Good Neighbor projects focused on the repair of fire-damaged trails and watershed protection and restoration. The GNA was the subject of a Government Accounting Office report in February of 2009 (GAO-09-277). The report summarizes our experiences and makes suggestions for improving use of the authority.

Since its inception, the authority has been successfully used on over 35 projects in Colorado to treat approximately 2,700 acres, primarily on the Arapaho-Roosevelt and Pike-San Isabel National Forests. In Utah, the authority has been used on the Dixie National Forest to enhance watersheds, particularly during the rehabilitation and recovery of a burned area. Almost all of the projects in Colorado included some form of hazardous fuels reduction within the wildland-urban interface, including the creation of defensible space around subdivisions and private residences, the creation of shaded fuelbreaks, treatment and salvage of insect-infested trees, creation of evacuation routes, and thinning.

For example, Shadow Mountain Estates is a large subdivision (several hundred acres) that directly borders National Forest System (NFS) lands on the Arapaho National Forest in Colorado. In 2006, Shadow Mountain Estates contracted the Colorado State Forest Service (CSFS) to remove dead trees from within the neighborhood to reduce fire risk, and in 2007 they requested that the Forest Service treat the adjoining public lands to complement their fire prevention efforts. As a result of this request, the Forest Service entered into the Green Ridge Good Neighbor Agreement with the CSFS to remove hazardous fuels and create a defensible space on federal lands in this wildland urban interface.

The contract to remove the trees from both private and federal lands was prepared, advertised and administered by the CSFS, and resulted in the treatment of 135 acres of NFS land. The project was completed in June of 2008. Shadow Mountain Estates is satisfied with the result as the treated area is aesthetically pleasing and contributes to reduced wildfire damage risk to the neighborhood.

### **Benefits to the land and relationships**

The GAO report found that the GNA has facilitated cross boundary watershed restoration and hazardous fuel removal activities. The authority has resulted in the accomplishment of more restoration and protection treatments than would have otherwise been accomplished, particularly within the wildland urban interface. On the ground experience from Colorado and Utah indicates there is increased efficiency for both state and federal agencies because all project work is done at one time, with one contract, making implementation more consistent. Further, the authority enhances our ability to work with private landowners through the State Forester to remove hazardous fuels on adjacent NFS lands and, perhaps most importantly, it builds greater cooperation among stakeholders.

### **What we've learned**

The GAO report on GNA found that the Forest Service and Colorado State Forest Service (CSFS) developed timber operating procedures in 2007, in response to some confusion over the requirements governing timber sales. When GNA was first being used, general operating procedures were contained in the master agreements, but no specific operating procedures existed and some CSFS officials were unsure about certain requirements that needed to be followed as part of conducting a timber sale on federal land. The Forest Service and CSFS are drafting additional timber procedures that identify federal and state roles in GNA timber sales from the initial NEPA documentation through the sale and subsequent harvesting of national forest timber. Project task orders for timber sale contracts will clearly specify special Forest Service contract requirements that are the responsibility of the state, which in turn holds the contractor accountable for meeting those requirements.

The GAO recommended the Secretaries of Agriculture and the Interior (1) require that the U.S. Forest Service in Utah, Bureau of Land Management in Colorado and any agencies that receive the authority in other states develop written procedures for Good Neighbor timber sales before conducting any future sales and (2) direct the agencies to better document their experiences using the authority. The Forest Service will continue its review of the findings and recommendations and continue to improve its use of the authority.

This concludes my prepared statement and I would be pleased to answer any questions you may have.